
PRELIMINARY DRAFT
No. 3389

PREPARED BY
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DIGEST

Citations Affected: IC 16-18-2; IC 16-40-3.

Synopsis: Health information. Requires the state department of health to develop and implement a health care quality indicator data program. Requires compliance with collection requirements. Provides for confidentiality of certain information.

Effective: July 1, 2005.



A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-163 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 163. (a) "Health care
3 provider", for purposes of IC 16-21 and IC 16-41, means any of the
4 following:

5 (1) An individual, a partnership, a corporation, a professional
6 corporation, a facility, or an institution licensed or legally
7 authorized by this state to provide health care or professional
8 services as a licensed physician, a psychiatric hospital, a hospital,
9 a health facility, an emergency ambulance service (IC 16-31-3),
10 a dentist, a registered or licensed practical nurse, a midwife, an
11 optometrist, a pharmacist, a podiatrist, a chiropractor, a physical
12 therapist, a respiratory care practitioner, an occupational therapist,
13 a psychologist, a paramedic, an emergency medical technician, an
14 emergency medical technician-basic advanced, an emergency
15 medical technician-intermediate, or a person who is an officer,
16 employee, or agent of the individual, partnership, corporation,
17 professional corporation, facility, or institution acting in the
18 course and scope of the person's employment.

19 (2) A college, university, or junior college that provides health
20 care to a student, a faculty member, or an employee, and the
21 governing board or a person who is an officer, employee, or agent
22 of the college, university, or junior college acting in the course
23 and scope of the person's employment.

24 (3) A blood bank, community mental health center, community
25 mental retardation center, community health center, or migrant
26 health center.

27 (4) A home health agency (as defined in IC 16-27-1-2).

28 (5) A health maintenance organization (as defined in
29 IC 27-13-1-19).

30 (6) A health care organization whose members, shareholders, or
31 partners are health care providers under subdivision (1).



(7) A corporation, partnership, or professional corporation not otherwise qualified under this subsection that:

(A) provides health care as one (1) of the corporation's, partnership's, or professional corporation's functions;

(B) is organized or registered under state law; and

(C) is determined to be eligible for coverage as a health care provider under IC 34-18 for the corporation's, partnership's, or professional corporation's health care function.

Coverage for a health care provider qualified under this subdivision is limited to the health care provider's health care functions and does not extend to other causes of action.

(b) "Health care provider", for purposes of IC 16-35, has the meaning set forth in subsection (a). However, for purposes of IC 16-35, the term also includes a health facility (as defined in section 167 of this chapter).

(c) "Health care provider", for purposes of IC 16-36-5, means an individual licensed or authorized by this state to provide health care or professional services as:

(1) a licensed physician;

(2) a registered nurse;

(3) a licensed practical nurse;

(4) an advanced practice nurse;

(5) a licensed nurse midwife;

(6) a paramedic;

(7) an emergency medical technician;

(8) an emergency medical technician-basic advanced;

(9) an emergency medical technician-intermediate; or

(10) a first responder, as defined under IC 16-18-2-131.

The term includes an individual who is an employee or agent of a health care provider acting in the course and scope of the individual's employment.

(d) "Health care provider", for purposes of IC 16-40-3, means any of the following:

(1) An individual, a partnership, a corporation, a professional corporation, a facility, or an institution licensed or authorized by the state to provide health care or professional services as a licensed physician, a psychiatric hospital, a hospital, a health facility, an emergency ambulance service (IC 16-31-3), an ambulatory outpatient surgical center, a dentist, an optometrist, a pharmacist, a podiatrist, a chiropractor, a psychologist, or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in the course and scope of the person's employment.

(2) A blood bank, laboratory, community mental health center, community mental retardation center, community



health center, or migrant health center.

(3) A home health agency (as defined in IC 16-27-1-2).

(4) A health maintenance organization (as defined in IC 27-13-1-19).

(5) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).

(6) A corporation, partnership, or professional corporation not otherwise specified in this subsection that:

(A) provides health care as one (1) of the corporation's, partnership's, or professional corporation's functions;

(B) is organized or registered under state law; and

(C) is determined to be eligible for coverage as a health care provider under IC 34-18 for the corporation's, partnership's, or professional corporation's health care function.

(7) A person that is:

(A) designated by; and

(B) maintains the records of;

a person described in subdivisions (1) through (6).

SECTION 2. IC 16-18-2-164.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 164.2. "Health care quality indicator data", for purposes of IC 16-40-3, has the meaning set forth in IC 16-40-3-1.**

SECTION 3. IC 16-18-2-164.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 164.6. "Health coverage provider", for purposes of IC 16-40-3, has the meaning set forth in IC 16-40-3-2.**

SECTION 4. IC 16-18-2-294.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 294.5. (a) "Program", for purposes of IC 16-40-3, has the meaning set forth in IC 16-40-3-3.**

(b) "Program", for purposes of IC 16-47-1, has the meaning set forth in IC 16-47-1-3.

SECTION 5. IC 16-40-3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 3. Health Care Quality Indicator Data Program

Sec. 1. As used in this chapter, "health care quality indicator data" means information concerning the provision of health care services that may be collected and used to measure and compare quality of health care services.

Sec. 2. As used in this chapter, "health coverage provider" means any of the following:

(1) An insurer (as defined in IC 27-1-2-3) that issues or



delivers a policy of accident and sickness insurance (as defined in IC 27-8-5-1).

(2) A health maintenance organization (as defined in IC 27-13-1-19).

(3) The administrator of a program of self-insurance established, implemented, or maintained to provide coverage for health care services to the extent allowed by the federal Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

(4) The state Medicaid program (IC 12-15).

(5) The children's health insurance program (IC 12-17.6).

(6) The Indiana comprehensive health insurance association (IC 27-8-10).

(7) A person that is:

(A) designated by; and

(B) maintains the records of;

a person described in subdivisions (1) through (6).

Sec. 3. As used in this chapter, "program" refers to the health care quality indicator data program developed and implemented under section 4 of this chapter.

Sec. 4. (a) The state department shall, in compliance with state and federal law, develop and implement a health care quality indicator data program, including the following:

(1) A list of health care quality indicators for which data will be collected concerning health care services provided to individuals who reside or receive health care services in Indiana. The state department shall seek the assistance of health coverage providers and health care providers in developing the list under this subdivision.

(2) Methodology for health care quality indicator data collection, analysis, distribution, and use.

(3) Inclusion of data concerning ethnicity and minority status, as allowed by the individuals about whom health care quality indicator data is collected.

(b) Health care quality indicator data collected from a health coverage provider or health care provider under this chapter must be obtainable from electronic records developed and maintained in the health coverage provider's or health care provider's ordinary course of business.

(c) Health coverage providers and health care providers are not required to establish or amend medical record systems or other systems to conform to the program.

Sec. 5. (a) The following shall comply with the collection requirements of the program:

(1) A health coverage provider.

(2) A health care provider.



(3) An out-of-state health coverage provider that:

(A) provides health coverage;

(B) administers health coverage provided; or

(C) maintains records concerning health coverage provided;

to an individual who resides or receives health care services in Indiana.

(4) An out-of-state health care provider that:

(A) provides health care services; or

(B) maintains records concerning health care services provided;

to an individual who resides or receives health care services in Indiana.

Sec. 6. Health care quality indicator data and other information collected under this chapter, or resulting from the program, from which the identity of a person, including:

(1) an individual;

(2) a health coverage provider; or

(3) a health care provider;

may be ascertained is confidential and, unless otherwise specified under state or federal law, may not be released to any person without the written consent of the identified person.

Sec. 7. Financial information that:

(1) is collected under this chapter; or

(2) results from the program;

is confidential.

Sec. 8. The state department shall adopt rules under IC 4-22-2 to implement this chapter.

